

1870-006 Chancery Causes: Thomas G. Brown & vs. John Brown &  
Lee Co.

Sutton, Short, Yeary, Chadwell, Rowlett, Brooks

1 Plat

CA- Estate Dispute  
T- Property



To the Worshipful County Court of Lee County, in Chancery  
sitting.

The Bill of Complaint of Thomas L. Brown  
William M. Brown, Polly Brown, Matilda Sutter, formerly, Matilda  
Brown, Lucy Ann Short, formerly, Lucy Ann Brown, Jacob Yeary  
& Simeon his wife, formerly, Simeon & Matilda, William T. Hault  
& Elizabeth his wife, formerly, Elizabeth Brown, daughter of Jacob  
Brown, Joseph Brown, and John Chadwell, infant under 21 years  
of age, who sue by his next friend John Brown, Sr., of said  
County, would respectfully <sup>represent</sup> that about the day of August  
1869, one Michael T. Brown of said County, departed this life,  
intestate, and at the time of his decease, he was the owner, and  
was possessed in his own right, of several tracts of land  
lying adjoining and contiguous to each other, in said County on the  
waters of Indian Creek, & on Lick Branch, some of which were  
deeded to him, by Moses Ball wife, & also by Mr. Ball. Markington  
Ball, & Thos Ball, & others he obtained Patents for, from the Commonwealth,  
amounting in the aggregate to some 6 or 700 acres. He was also, at his  
death, the owner jointly with his son John Brown, of two other  
tracts in said County, and contiguous to those in his own right, one  
containing 326 acres, by Patent from the Commonwealth, and the other  
about 200 acres, which he in his lifetime, and one J. B. Short, purchased,  
and afterwards, the said Short, transferred his moiety, to the said  
John Brown, his son, but he, & his said son, never made partition  
of the lands, so owned by them, jointly. Your Orators would further  
state, that the said Michael T. Brown in his lifetime, and his said son  
John Brown, made an exchange of lands, to the extent of 50 acres  
and the said Michael T. Brown, took possession of the said 50 acres  
thus obtained of his son, lying near his residence, but never received  
a conveyance from John Brown for the same, but the said  
Michael T. Brown, not long previous to his death, conveyed to the said  
John Brown, the lands he gave in exchange for said 50 acres, by  
deed now of record in the Clerk's Office of said County.

Your Orators will now state that the said Michael T. Brown  
was twice married, during his natural life, and that at his  
death his second wife, Mary Brown, survived him, by whom  
he had no issue, and to whom no dower has yet been



21 assigned in the said land, of her said husband. The said Michael T. Brown had eleven children by his first wife, six sons, and five daughters, whose names were as follows, namely John Brown, William M. Brown, Thomas S. Brown, James Brown, Andrew C. Brown, and Moses Brown; all of whom, are still living except the latter, Moses Brown, who died out of this state, leaving 6 children whose names are unknown, & who are infants, living out of this state. His daughters names were Polly, Lucy Ann, Matilda, Nancy, and Elizabeth, the three former, are still living, and the two <sup>latter</sup> are dead. Polly Brown is still unmarried. Lucy Ann Brown, intermarried with William Short, who has since died, as have all the children he had by his said wife. Matilda Brown, intermarried with Thomas Sutton, who has also died, leaving his wife surviving him. Nancy Brown, intermarried with Jacob Brown and they have both since died, leaving four children, namely Elizabeth who intermarried with Mr. J. Newlet. 3<sup>rd</sup>ly in this suit, John, Joseph, and Henry M. Brown, who has since died leaving two children whose names are unknown; and 5<sup>th</sup>ly, and lastly Elizabeth Brown, who intermarried with Pleasant Chadwell, both of whom died before the said Michael T. Brown, leaving as their descendants nine children, five sons and four daughters, namely, John, Pleasant M., David, James, & Alexander Chadwell; Sirelda Lucy, Mary, & Elizabeth Chadwell. Sirelda intermarried with Isaac Geary. Lucy intermarried with John Brooks, Mary intermarried with John Chadwell, and Elizabeth intermarried with Barton Brooks; and these are the heirs at law, and their descendants, of Michael T. Brown deceased.

The non-residents of these parties in interest, are James Brown & Andrew C. Brown, the unknown heirs of Moses Brown dec. John T. Brooks & Lucy his wife, Pleasant, John, David, James & Alexander Chadwell, John Chadwell, Mary his wife, Barton Brooks & Elizabeth his wife, John Brown, and the unknown heirs of Henry M. Brown dec, all of whom reside beyond the limits of the state of Virginia.

Among these non-resident depts, the following are infants under the age of 21 years, namely, the unknown heirs of Moses Brown dec, James, & Alexander Chadwell, and the unknown heirs of Henry M. Brown dec, and these are the only infant depts, known to your Orators.

1<sup>st</sup>. The object of this suit, is to partition the lands owned by Michael T. Brown in his lifetime, and his son John Brown, between the heirs of the said Michael T. Brown, and their descendants, and the said John Brown, according to the equal interest of each.

Indly. Then to assign to Mary Brown, widow, of Michael T. Brown, her dower, in the lands owned by her husband at his death, including the moiety of the lands owned by him, & his son John Brown.

3<sup>rd</sup>ly. To ascertain the meter & bounds of the 50 acres <sup>or more</sup> which John Brown, exchanged with his father Michael T. Brown, in his lifetime, and to obtain from the said John Brown, a conveyance for the said boundary, & the said John having already as before stated recd from the said Michael T. Brown a conveyance for the land he recd in exchange for said boundary.

4<sup>th</sup>ly. To partition among the children, of Michael T. Brown, and their descendants, all the lands owned by the said Michael T. Brown at his death, and to allot, or assign to his said 11 children, and their descendants, one equal share of said lands, having regard, to quantity & quality, that is to say, to John Brown, one share, William M. Brown one, Thos. S. Brown one, James Brown one, Andrew C. Brown one, the unknown heirs of Moses Brown, one, Polly Brown one. Lucy Ann Short, formerly Lucy Ann Brown one, Matilda Sutton, formerly Matilda Brown one, to the descendants of Nancy, & Jacob Brown, who was formerly Nancy Brown, one, and to the descendants of Pleasant Chadwell, & Elizabeth his wife, who was formerly Elizabeth Brown one.

Your Orators being without an adequate remedy at law, and being entitled to full relief in equity, their prayer, therefore is, that the said John Brown, Mary Brown, widow of Michael T. Brown dec. James Brown, Andrew C. Brown, the unknown heirs of Moses Brown dec, John T. Brooks & Lucy his wife, Pleasant Chadwell, David Chadwell, John Chadwell, & Mary his wife, Barton Brooks & Elizabeth his wife, James Chadwell, Alexander Chadwell, John Brown dec, and the unknown heirs of Henry M. Brown, be made parties depts to this Bill, and that they be required to answer, each & every allegation thereof upon oath; that an order of publication be made against the absent depts, and that a guardian ad litem, be appointed for the infant depts, and that upon a hearing of this cause, your Worship will appoint fit & suitable Commissioners, whose duty it shall be to partition the lands, according to the interest of the respective parties formerly owned by Michael T. Brown, & his son John Brown; and also to assign dower, to Mary Brown, the widow, of the said Michael T. Brown in the lands owned by her husband at his death; and also to ascertain the meter & bounds of the 50 acres or more, that the said



H) Michael T. Brown, received in exchange, from his son John Brown for lands the said Michael T. conveyed to him; and lastly to assign, and allot to the eleven children of the said Michael T. Brown, and their descendants, one equal share, having regard to quality & quantity, of the lands owned by the said Michael T. Brown, at his death, either alone, or jointly with others, And your Orators further prays, is, that if it is necessary, in the progress of this suit, that your worship will appoint a Commissioner, or compel the said John Brown, to convey, to his Co-heirs & their descendants, the land aforesaid, which he exchanged with his father Michael T. Brown, now dead; and that your worship will grant to your Orators, such other & further, general, or special relief as is suited to their case, and as is competent for a Court of Equity to grant; and as in duty bound, your Orators will ever pray &c. May the Commonwealths writ of Supersedeas directed &c.

Lane for Compt's

John Brown & Son

vs. J. B. B. B.

John Brown & Son

1869. Nov. 20th - Bill paid for

Ex. on 11th day of Jan 1869 and

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To the Worshipful County Court of Lee County in Chancery  
sitting: - The separate answer of the unknown heirs of  
Moses Brown dec'd, James and Alex<sup>r</sup>. Chadwell (children  
of Pleasant Chadwell, who intermarried with Elizabeth Brown)  
and the unknown heirs of Henry N. Brown dec'd, now resi-  
dents of the State of Virginia, and infants under 21 years  
of age, by John B. West, their Guardian ad litem, to a Bill  
in Chancery filed in this Court by Thomas J. Brown and  
others against John Brown, the said infants and others,  
respectfully sheweth: - That this respondent, reserving to him-  
self now and at all times hereafter such proper and just  
exceptions to the Complainants' Bill, as he may be advised  
is material to the interests of his said wards to answer, now  
says: - That he is informed that (as alleged in Complainants'  
Bill) John Brown exchanged lands with his father Michael  
T. Brown to the extent of 50 acres or more, in the lifetime of  
his said father, and altho' the said Michael T. Brown, not  
long before his death, conveyed to said John Brown the land  
he gave in exchange for said 50 acres, by deed of record  
in the Clerk's office of the County Court of said County, yet the  
said John Brown has never made a conveyance to his  
said father for said 50 acres; and your respondent sees  
no reason why a commissioner should not be appointed  
by your worships, or that the Court itself should not compel  
said John Brown, to convey to his co. heirs and their  
descendants, the 50 acres aforesaid, especially as it  
is to the interest of the infants aforesaid who, as your  
respondent is informed, were infants of tender years, at  
the time of these transactions and had no personal knowl-  
edge thereof, your worships sitting as a Court of Chancery  
being as such the peculiar protectors of the interest of infants  
like these, and your respondent begs that your worships  
will watch with care and vigilance the same.

\*And now having answered the Complainants' Bill or so



much thereof as it is deemed material he should, your  
respondent, in behalf of his wards, begs leave to be heard  
dismissed of costs.

John B. West,

*Guardian ad litem*

\* Your respondent would further state that he knows of  
no matter to allege himself nor has his said wards inform-  
ed him of anything to plead in delay of the <sup>complainant's right to have</sup> partition of  
the lands in the Bill mentioned in the manner set forth in  
Complainant's Bill.

Sworn to & subscribed before me this 9<sup>th</sup> day of Nov: 1869.

Henry J. Morgan W. Clerk

Circuit Court Lee Co.

Thos. J. Brown et al

vs { answer of Guardian  
ad litem.

John Brown et al

This answer filed at

Nov. Rules 1869.

John B. West, D.C.



Thomas L. Brown & others } In Chancery  
John <sup>M</sup> Brown & others }

This cause came on again to be heard, on the 19<sup>th</sup> day of October 1870, upon the papers formerly read in the cause, and the report of Commissioners, Eli Davis, R. M. Bales, and William Ball, and was argued by Counsel; and it appearing to the Court that the report of the partition and allotment of the lands in the Bill mentioned, has been filed, more than 30 days, and no exceptions being filed to said report; it is therefore adjudged, ordered, and decreed, that the said report be confirmed; and that all the parties in interest, take & hold, in severally, the several lot, or lots, respectively assigned to each in said report, and diagram accompanying the same, including the claim assigned the widow of Michael T. Brown decd; and the said suit of partition, being considered by the Court, for the mutual benefit, of all the heirs of the said Michael T. Brown decd, it is further, ordered, adjudged, and decreed, that each one of said heirs, pay an equal portion of the costs of this suit, and that the administrator of said estate pay the same out ~~of~~ <sup>of</sup> ~~any~~ fund in his hands liable to be distributed among the said heirs, free from the debts of said estate; and that the said Report & diagram, be recorded by the Clerk of Lee County, in the proper books of his Office; and nothing further remaining to be done, in this suit, the same is



Thomas L. Brown & others  
vs  $\frac{3}{4}$  Decree

John Brown & others

October 1870.

Entered C. B. page 94-  
- 95.

Enter this Decree

Henry J. Morgan

Oct 19 - 1870

chd 67

ordered to be withdrawn from the docket, without prejudice  
to any one interested, to enforce this decree.



Thomas J. Brown & others	Plffs	} In Chancery
against John Brown & others	Defets	

This cause came on to be heard on this, 21st. day of February 1870 upon the bill of the plaintiffs, the answer of John B. West, Guardian *ad litem* for the unknown heirs of Moses Brown dec'd, James Chadwell and Alexander Chadwell, and the unknown heirs of Henry N. Brown dec'd - Minors under the age of 21 years, and was argued by Counsel. And it appearing to the Court that a summons to answer the plaintiffs' Bill has been regularly served upon Mary Brown and John Brown more than two months before the present term of the Court, and that an Order of Publication has been regularly posted, published, and completed, in the manner directed by law, against all the non-resident defendants and it further appearing that this cause has been regularly matured at Rules by Decree nisi and Judgment *pro Confesso*, and has been set for hearing as to all the defendants in the Bill mentioned. On consideration of all which the Court is now pleased to order, adjudge, and Decree that partition and allotment of the lands in the Bill mentioned be made among the plaintiffs and defendants according to their respective rights and to attain this object, it is further adjudged, ordered, and Decreed that Eli Davis, Robert M. Bales, and Mr. Bull be and they are hereby appointed Commissioners to make the partition as herein before decreed to be made, and in order to aid said Commissioners to discharge the duty hereby imposed, the Court directs them 1st., to partition the tract of land owned jointly by Michael T. Brown in his lifetime and his son John Brown between the lineal and collateral heirs of the said Michael and the said John according to the rightful interest of each; 2ndly, they will assign to Mary Brown - widow of Michael T. Brown dec'd - her dower interest in the lands owned by him at his death, including



the moiety of the aforesaid tract, owned by him and his son John jointly; 3rdly, they will ascertain the metes and bounds of the fifty acres or more which John Brown exchanged with his father Michael T. Brown in his lifetime, and to secure from the said John a proper conveyance of said boundary to the heirs of the said Michael T., he the said John, having already received from his said father a conveyance <sup>for the land said to be exchanged</sup> for said boundary; 4thly, the said Commissioners having thus ascertained with certainty the lands which should be partitioned among the heirs of the said Michael T. Brown, they will proceed to assign to his eleven children or their descendants an equal share of said lands, having regard to quantity and quality i.e. to John Brown one share, to William M. Brown one share, to Thomas J. Brown one share, to James Brown one share, to Andrew C. Brown one share, to the unknown heirs of Moses Brown one share, to Polly Brown one share, to Lucy Ann Short one share, to Matilda Sutton one share, to the heirs of Jacob & Nancy Brown one share, and to the descendants of Pleasant and Elizabeth Chadwell one share.

And the said Commissioners will make a report to the Court of their actions had under this order, accompanied by a plat of all the lands of the said Michael T. and of the assignment of the widow's dower, and of the lots or parcels assigned by them to each of said heirs, and the cause is continued



Thomas J. Brown et al

vs. { Decree

John Brown et al.



Virginia

At a County Court begun & held for Lee County, at the Court House  
thereof, on Monday, the 21st day of February 1870.

Thomas J. Brown and others

Plaintiffs

against

John Brown and others

Defendants

In Chancery.

xxxxxx On consideration of all which, the Court is now pleased  
to order, adjudge, and decree that partition and allotment of all the  
lands in the Bill mentioned be made among the plaintiffs and  
defendants according to their respective rights, and to attain this ob-  
ject, it is further adjudged, ordered, and decreed that Eli Davis,  
Robert M. Bales, and William Ball be and they are hereby  
appointed Commissioners to make the partition as hereinbefore decreed  
to be made, and in order to aid the said Commissioners to discharge  
the duty hereby imposed, the Court directs them 1st, to partition  
the tract of land owned jointly by Michael T. Brown in his  
lifetime, and his son John; between the lineal and collateral  
heirs of the said Michael and the said John, according to the  
rightful interest of each; 2ndly, they will assign to Mary Brown -  
widow of Michael T. Brown dec'd - her Dower interest in the lands  
owned by him at his death, including the moiety of the aforesaid tract  
owned by him and his son jointly; 3rdly, they will ascertain the  
metes and bounds of the fifty acres or more, which John Brown ex-  
changed with his father Michael T. Brown in his lifetime, and to  
secure from the said John a proper conveyance of said boundary  
to the heirs of the said Michael T. he, the said John, having  
already received from his said father a conveyance of the land  
received by him in exchange for said boundary; 4thly, the Com-  
missioners having thus ascertained with certainty the lands which  
should be partitioned among the heirs of the said Michael T.  
Brown, they will proceed to assign to his eleven children or their  
descendants an equal share of said land, having regard to quantity  
and quality i.e. to John Brown, one share. to William M. Brown, one  
share; to Thomas J. Brown, one share; to James Brown, one share;



to Andrew C. Brown, one share; the unknown heirs of Moses Brown, one share; to Polly Brown share; to Lucy Ann Short, one share; to Matilda Sutton, one share; to the heirs of Jacob and Nancy Brown, one share; and to the descendants of Pleasant & Elizabeth Chadwell, one share. And the said Commissioners will make a report to the Court of their actions had under this order, accompanied by a plat of all the lands of the said Michael T. and of the assignment of the widow's Dower, and of the lots or parcels assigned by them to each of said heirs, and the cause is continued.

A copy-

Lease. John B. West, D. Clerk.

Eli Davis.

For Bill



1<sup>st</sup> Lee County Court

I do solemnly swear that James Brown, Andrew Brown  
the unknown heirs of Moses Brown, John T. Brooks & Lucy his wife  
Pleasant M. Chadwell, David Chadwell, John Chadwell and Mary his  
wife, Barton Brooks and Elizabeth his wife, James Chadwell  
Alexander Chadwell, John Brown and the unknown heirs of Henry  
T. Brown deceased defendants at the Suit of Thomas J. Brown  
& others are non residents of the State of Virginia So help  
me God.

Thos J. Brown

Sworn to before me. The 29<sup>th</sup> Oct 1869

John B. West D.C.



Thos J. Brown & al

vs. { affidavit

John Brown & others.

For And



Pursuant to an order of the County Court of Lee county dated on the 21st. day of February 1870, for the partition and assignment of the Lands of which Michael J. Brown died seized and possessed, we, whose names are hereunto subscribed having been appointed commissioners for the purpose proceeded on the 14th. day of March 1870 and following days to partition, allot and assign to the legal owners the lands of the said Michael J. Brown Deceased, in the following manner according to the said Order of Court.

1st. We assigned to John Brown the land embraced in the lines, 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. j. i. h. g. f. e. d. 1. It being one half of a 323 acre tract owned jointly by the said M. J. Brown <sup>in his lifetime,</sup> and his son John Brown. Estimated to contain 186 acres and bounded as follows (viz) Beginning at a stake in a line of a 400 acre Survey and running thence South to a white Oak; the beginning corner of the Survey. thence with a line thereof S. 7 N. 13 poles to a stake in John Brown's line and with his lines S. 65 E. 82 poles to a stake; thence S. 31 N. 36 poles to a stake on top of a ridge in a line of the said 323 acre Survey, and with lines thereof N. 70 E. 48 poles to a chestnut stump; thence N. 60 E. 57 poles to three chestnut Oaks on top of a ridge; thence S. 77 E. 40 poles to a chestnut Oak and dead black Oak on top of a ridge; thence S. 63 E. 50 poles to a double chestnut; thence East 67 poles



To a large poplar; Thence S. 6 N. 74 poles to two fallen chestnuts; Thence N. 83 E. 13 poles to a black oak; Thence N. 41 E. 74 poles to a large white oak; Thence N. 22 W. 108 poles to a white oak and chestnut oak on the north side of the chimney Bluff; Thence N. 53 E. 20 poles to a Stake Thence leaving said lines N. 59 W. 88 poles to a Stake in a line of the 400 acre tract and with its lines S. 45 $\frac{1}{2}$  W. 70 poles to a white oak stump Thence S. 89 $\frac{1}{2}$  W. 210 poles passing five marked corners to the beginning.

2nd. We have assigned to Mary Brown the widow of the said Michael J. Brown her Dower interest in the lands owned by him at his death, which is represented on the plot by the Figure A, B, C, D, E, and bounded as follows, viz. Beginning at a Stake in a field and running thence S. 45 E. 159 poles to a chestnut; Thence S. 45 W. 176 poles to a thorn bush; Thence N. 40 W. 104 poles to a black oak; Thence N. 28 E. 174 poles to the beginning. Estimated to contain 137 acres. This lot includes the Mansion house garden &c. and perhaps the best cleared land with timber and water convenient.

3rd. we surveyed the 50 acre tract which John Brown exchanged with his father Michael J. Brown in his lifetime for a like quantity where the said John's house stands and secured from him a proper conveyance of the said 50 acre tract to the heirs to whom we have assigned it.

4th. We have assigned to ~~William H. Brown~~ James Brown a Tract in Tennessee estimated to contain 140 acres. This Tract will be seen plotted to itself and marked No. 1 on the Diagram and represented by the Figure 55, 56, 57, 58, 59, 60, 61, 55, and bounded as follows (viz.) Beginning at a white oak (now down) corner to Estep's land and running thence with his line N. 11 W. 64 poles to two post oaks on the Virginia line and with it west 200 poles to two white oaks; Thence S. 3 W. 124 poles to a chestnut oak and sourwood; Thence N. 77 E. 91 poles to two small black oaks; Thence S. 45 E. 56 poles to a pine stump on a spur; Thence N. 18 poles to a black oak; Thence N. E. with Estep's line 110 poles to the beginning.

5th. We have assigned to Thomas J. Brown two lots each marked No. 2 on the plot. The first is represented on the plot by the Figure 15, 16, 17, 18, 19, 20, L, R, N, T, S, K, J, 15, and bounded as follows, viz. Beginning at a Stake in a line of a 323 acre tract and running thence with line thereof N. 53 E. 60 poles to a water oak and dogwood; Thence N. 19 E. 15 poles to 3 white oaks; Thence N. 66 W. 29 poles to a Stake in Chance's line and with his lines S. 25 W. 8 poles to 3 white oaks; Thence N. 41 W. 137 poles to a Stake; Thence leaving Chance's line S. 64 W. 18 poles to a hickory; Thence same course S. 64 W. 50 poles with line of the lot marked No. 3 to a Stake; Thence S. 47 E. 15 poles to the middle of a Spring near John Brown's



Thence  $N. 40^{\circ} E.$  15 poles to a Spotted Oak; Thence  $S. 33^{\frac{1}{2}}^{\circ} E.$  35 poles to a Stake in a line of the 400 acre tract and with lines thereof  $S. 62^{\frac{3}{4}}^{\circ} E.$  To a black walnut Thence  $S. 45^{\frac{1}{2}}^{\circ} W.$  43 poles to a Stake; Thence leaving the lines of the 400 acre tract  $S. 59^{\circ} E.$  88 poles to the beginning.

Estimated to contain ~~48 acres~~ 63 acres.

The other lot which we have assigned to the said Thomas J. Brown is plotted to itself and represented by the Figure 62. 63. 64. 65. 66. 62, and bounded as follows (viz.) Beginning at a beech corner to J. Brim's land and running thence  $S. 73^{\circ} W.$  136 poles to a Stake; thence South 58 poles to Chance's line; thence  $S. 31^{\circ} E.$  62 poles to a Stake in Brown's line; thence  $S. 87^{\circ} E.$  80 poles to a Stake in the old line; thence northwardly To the beginning.

Supposed to contain 80 acres more or less. This lot we did not survey, its courses therefore may not all be correct; but we have assigned the whole tract.

6th. We have assigned to Matilda Sutton the lot represented by the Figure g. h. n. m. u. v. l. 20. 21. 22. 23. 24. g. and marked No. 3 and bounded as follows, viz:

Beginning at 2 white Oaks and 2 dogwoods on a line of the 400 acre survey, and running thence with a line thereof  $N. 89^{\frac{1}{2}}^{\circ} E.$  53 poles to a white Oak; thence  $N. 25^{\circ} E.$  139 poles to a Stake in another line of the 400 acre

Survey and with it  $N. 62^{\frac{3}{4}}^{\circ} W.$  8 poles to a Thorn bush and dogwood; Thence  $S. 71^{\circ} E.$  20 poles to the middle of a Spring near John Brown's; thence  $N. 47^{\circ} W.$  15 poles to a Stake; Thence  $N. 64^{\circ} E.$  50 poles to a hickory; thence continuing the same course  $N. 64^{\circ} E.$  18 poles to a Stake in Chance's line and with his lines  $N. 41^{\circ} W.$  70 poles to a Stake at his corner; thence  $S. 28^{\circ} W.$  14 poles to a poplar, small hickory and dogwood corner to Ball's land and with lines thereof  $N. 75^{\circ} W.$  31 poles to a black Oak; thence  $N. 44^{\circ} W.$  33 poles to three small Spanish Oaks; Thence leaving Ball's lines  $S. 15^{\circ} W.$  252 poles to the beginning.

Estimated to contain 100 acres.

7th. We have assigned to the heirs of Pleasant M. Chadwell and Elizabeth his wife the lot represented by the Figure f. g. 24. 25. 26. f. and marked No. 4 on the plat estimated to contain 95 acres and bounded as follows viz: Beginning at a white Oak and small gum on a line of the 400 acre tract and running thence with the same  $N. 89^{\frac{1}{2}}^{\circ} E.$  40 poles to two white Oaks & two dogwoods corner to the 3rd. lot and with a line thereof  $N. 15^{\circ} E.$  252 poles to three small Spanish Oaks on Ball's line and with his lines  $N. 44^{\circ} W.$  49 poles to a bunch of small chestnuts; Thence  $N. 61^{\circ} W.$  42 poles to two sourwoods and



and a white oak; Thence leaving Ball's lines S. 7 m. 303 poles to the Beginning.

8th. We have assigned to Andrew C. Brown

the lot represented by the Figure e. f. 26. 27. 28. o. e and marked No. 5 on the plat, estimated to contain 95 acres and bounded as follows, (viz:)

Beginning at a white Oak cucumber & small ash on the south line of the 400 acre tract and running thence with the same N. 89½ E. 12 poles to a white Oak and small gum; thence leaving said line and with a line of the 4th lot N. 7 E. 303 poles to two sourwoods and a white Oak on Ball's line and with it N. 61 m. 79 poles to a chestnut Oak on a ridge; thence S. 5 m. 110 poles to a stake corner to the 6th lot and with a line thereof S. 8 E. 232 poles passing a corner of the 7th lot and with a line of it to the beginning.

9th. We have assigned to William<sup>no.</sup> Brown

the lot represented by the Figure 29. 30. 31. o. 28. 29. and marked No. 6 on the plat and bounded as follows. Beginning at a white Oak corner to the 400 acre tract and running thence N. 49 m. ~~27~~ 27 poles to an Elm, 2 white Oaks, and an ash stump, on the bank of a branch; thence S. 78 m. 84 poles to a

poplar and dogwood corner to the 7th lot and with a line thereof S. 50½ E. 304 poles to a small white Oak and small Sassafras among rocks corner to the 7th lot and on a line of the 5th lot and with the same N. 8 m. 134 poles to a stake on a line of the 400 acre tract and with it N. 62¾ m. 124 poles to the beginning. Estimated to contain 100 Acres.

10th. We have assigned to Lucy Ann Estep<sup>no.</sup> Short, the lot represented by the Figure d. e. o. 31. 32. d. and marked No. 7 on the plat. Containing by estimation 150 acres & bounded as follows, viz: Beginning at two white Oaks on a line of the 400 acre tract and running thence with it N. 89½ E. 12 poles to a cucumber small white Oak and small ash corner to the 5th lot and with a line thereof N. 8 m. 98 poles to a small white Oak and small Sassafras among rocks; thence N. 50½ m. 304 poles with a line of the 6th lot to a poplar and dogwood; thence S. 2 m. 112 poles to a large black Oak and hickory; corner to the 8th lot and with a line thereof S. 53 E. 302 poles to the beginning. This lot includes the Saltpeter Cave with 25 acres around it which is excepted.



11th. We have assigned To The Heirs of Moses Brown The lot represented by the Figure 54. 1. d. 32. 33. 34. 54 and marked No. 8 on the plat and estimated to contain 125 acres and bounded as follows (viz.) Beginning at a stake corner to the 1400 acre tract and running thence with a line thereof N. 89½ E. To Two white oaks corner to the 7th. lot and with a line thereof N. 53 W. 302 poles to a ~~water oak hickory and red oak~~; large black oak and hickory near the top of a ridge; Thence N. 57 W. 30 poles to a water oak hickory and red oak (not found) Thence S. 33 W. to a stake corner to the 9th. lot and with a line thereof S. 48 E. 200 poles to the beginning.

12th. We have assigned to Polly Brown The lot represented by the Figure 54. 34. 35. 36. 2. g. p. 49. 50. 51. 52. 53. 54 and marked No. 9 on the plat and bounded as follows (viz.) Beginning at a stake corner to the 400 acre Survey and the 8th. lot and running thence with a line of the latter N. 48 W. 200 poles to a stake; Thence S. 33 W. 70 poles to a double chestnut corner to Ball's land; Thence N. 79 W. 20 poles to a stake corner to the 10th. lot and with lines of the same S. 48 E. 100 poles to a stake; thence S. 33 W. 8½ poles to the

the middle of a spring; thence N. 65 E. 9 poles to two small persimmons; thence S. 48 E. 68 poles to a white oak and gum; thence N. 18 E. 19½ poles to a white oak at a fence; thence N. 50 E. 48 poles to a white oak; thence with lines of the 400 acre tract to the beginning. Estimated to contain 85 acres.

13th. We have assigned to John Brown The lot represented by the Figure 47. 48. 49. p. g. 2. 36. 37. 38. 39. 47 and marked No. 10 on the plat and bounded as follows. viz. Beginning at a small hickory and 2 dogwoods and running thence N. 47 E. 6 poles to a white oak in a hollow; thence N. 18 E. 39 poles to a white oak and gum corner to the 9th. lot and with lines of it N. 48 W. 68 poles to 2 persimmons; thence S. 65 W. 9 poles to the middle of a spring; thence N. 33 E. 8½ poles to a stake; thence N. 48 W. 100 poles to a stake on a ridge; thence leaving the line of the 9th. lot N. 79 W. 50 poles to a white oak on top of a ridge; thence S. 20 W. 53 poles to a gum; thence N. 88 W. 16 poles to a stake corner to the 11th. lot and with a line thereof S. 58 E. 232 poles to the beginning. Estimated to contain 85 acres.



14th. We have assigned To John Brown.

The lot represented by the Figure 47. 39. 40. 41. 42. 43. 44. 45. 46. 47. and marked 180. 11 on the plat and estimated to contain 127 acres and bounded as follows (viz:)

Beginning at a <sup>small</sup> hickory and two dogwoods corner to the 10th. lot and running thence with a line thereof N. 58 W. 232 poles to a Stake; thence N. 88 W. 4 poles to 3 chestnuts from one root; thence S. 45 W. 27 poles to a chestnut oak on top of a ridge; thence S. 20 1/2 E. 86 poles to a chestnut and white Oak on top of a ridge; thence S. 38 W. 46 1/2 poles to a white Oak on top of a ridge; thence S. 16 E. 31 poles to two hickories in a hollow thence N. 58 E. 53 poles to a Stake in a line of a 100 acre survey; thence S. 60 E. 112 poles to two chestnut oaks on the side of a hill; thence N. 47 E. 98 poles to the beginning.

We have also assigned to John Brown a small tract adjoining his 50 acre tract for the benefit of the water.

This Tract is represented by the Figure u. t. s. n. m. n. and bounded as follows (viz:) Beginning at the middle of the Spring near John Brown's and running thence N. 40 E. 15 poles to a Spotted Oak; corner to J. J. Brown's land and with his line S. 33 1/2 E. 35 poles to a Stake in a line of said

50 acre tract and with it N. 62 1/4 W. 43 poles to the corner; thence leaving said tract and with a line of Matilda Sutton's land 8 poles to a Thorn bush and dogwood her corner, and with her line S. 71 E. 20 poles to the beginning. Estimated to contain 2 acres.

Figure h. i. j. k. s. n. h. represents John Brown's 50 acre tract upon which his house stands. For its courses see the deed made by M. J. Brown in his lifetime to the said John Brown.

Thus we have assigned to the Heirs of M. J. Brown deceased all the lands belonging to him at his decease, and made a fair plat of the same which is hereunto annexed.

All of which is respectfully Submitted.

Eli Davis,  
R. M. Bales, &  
William Ball,  
Commissioners. —

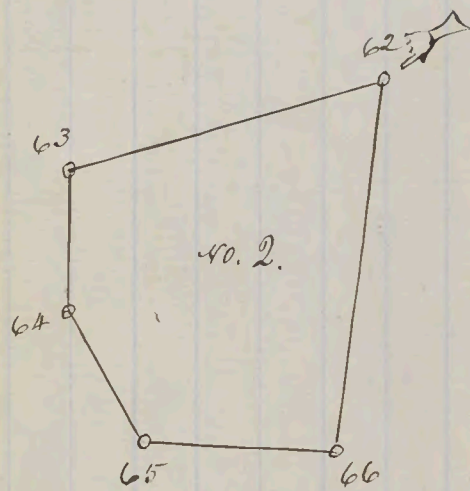
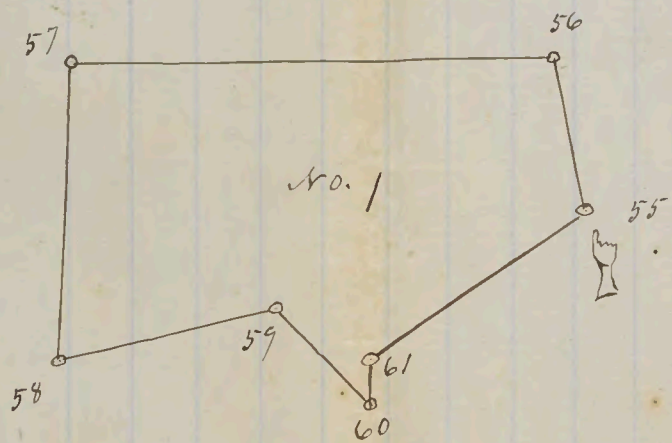


# Bill of Charges.

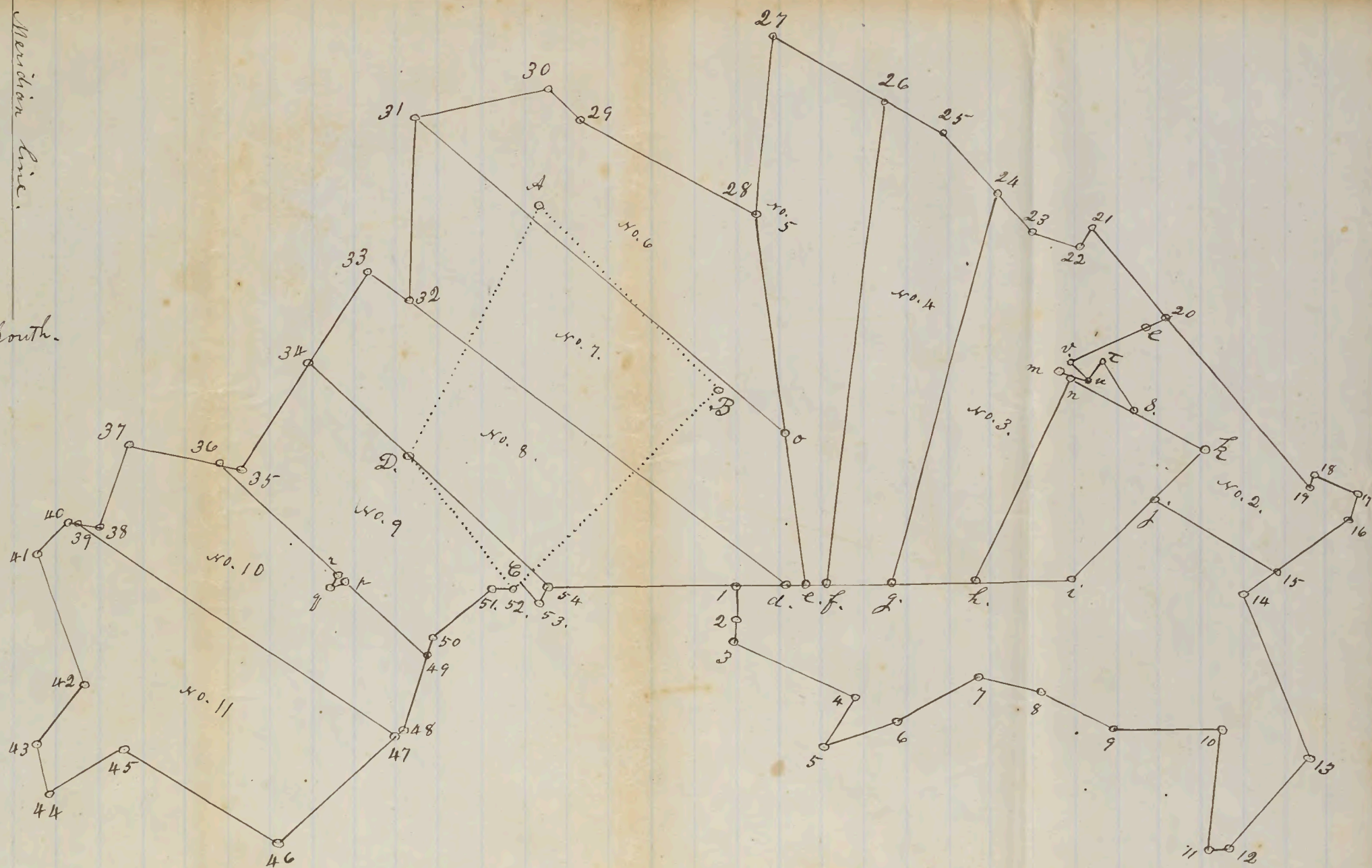
William Brown and Joseph Brown each  
 10 days carrying chain at 50 cts. per day \$ 10.00  
 John Brown Showing corners marking cross  
 10 days at \$ 1.00 per day \$ 10.00  
 John Brown for feeding Surveyor, his  
 Horse and chain carriers 10 days \$ 10.00  
 Commissioners' Charges.  
 Eli Davis 15 days \$ 30.00  
 R. M. Balis            days  
 William Ball            do.

Balis & Ball's charges and not    Total \$  
 here reported.





North  
Meridian line.  
South.





Thos. J. Brown et al.

No. 3 Report & Petition of  
Conrad Eli Dunset  
alx

John Brown et al.

Filed July 19-1870

J. B. West. clk

Recorded in Deed Book  
No 16. page 141, 142, 143 & 144.

James W. Orr. D.C.



Capt. West.

Dear Sir:

Please examine the report of the division of the lands of M. J. Brown as I have made it and you will see that the lot marked No. 7 was assigned to Granville Estep. You will please change that name for Lucy Ann Short. She has sold it to Granville Estep but it will be better to let the name of Lucy Ann Short appear on the report as she is the legal heir of the said M. J. Brown, and did own it when it was first divided.

Aug. 4th. 1870

Yours. Truly

Attest,

Granville Estep

John Brown,

Eli Davis.



Virginia,

At Rules held in the Clerk's Office of the County Court  
of Lee County, on Monday, the first day of November 1869.

Thomas J. Brown, William M. Brown, Polly Brown,  
Matilda Sutton, formerly Matilda Brown, Lucy Ann Short, formerly  
Lucy Ann Brown, Jacob Yeary & Serilda, his wife, John Chadwell, who sue  
by his next friends John Brown, William T. Rowlett & Elizabeth J. his  
wife, and Joseph Brown - - - - - Complainants  
against

John Brown, Mary Brown, widow of Michael T. Brown dec'd,  
James Brown, Andrew C. Brown, the unknown heirs of Moses  
Brown, John T. Brooks and Lucy, his wife, Pleasant<sup>M</sup> Chadwell, In Chancery  
David Chadwell, John Chadwell, and Mary, his wife, Barton  
Brooks and Elizabeth, his wife, James Chadwell, Alexander  
Chadwell, John Brown, and the unknown heirs of Henry N.  
Brown dec'd - - - - - Defendants

The object of this suit is to obtain a division of the  
lands in the bill mentioned, according to the rights of the  
parties respectively; and it appearing from an affidavit  
filed in this office that James Brown, Andrew C. Brown, the  
unknown heirs of Moses Brown dec'd, John T. Brooks and Lucy,  
his wife, Pleasant M. Chadwell, David Chadwell, John Chadwell  
and Mary, his wife, Barton Brooks and Elizabeth, his wife, James  
Chadwell, Alexander Chadwell, John Brown, and the unknown  
heirs of Henry N. Brown dec'd are non-residents of this Com-  
monwealth, They are, therefore, ordered to appear here within  
one month after due publication of this order, and do what is  
necessary to protect their interest in this suit. And on the  
motion of the Plaintiff, John B. West is appointed  
Guardian ad litem for the infant defendants in this  
cause.

Witness John B. West, D. Clerk  
At copy - - - - -  
Leah John B. West, D. Clerk



(L)

Thomas J. Brown & others

vs. { Order of Publication

John Brown & others.

Filed



THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY--GREETING:

WE COMMAND YOU TO SUMMON *Charles Peyton & Wm Senap manufacturers and traders under the firm, name and style of "Peyton & Senap"*  
*Wm A. Newlee, Divine & Adah Divine his wife formerly*  
*Adah Newlee, Jacob Slaughter & Eugenia Slaughter his wife, formerly*  
*Eugenia Newlee.*

To appear before the Judge of our <sup>Circuit</sup> ~~County~~ Court of Lee County, at the Court House, in the Clerk's Office, at Rules to be holden for said Court, on the first Moday in *February* next, to answer a bill in Chancery, exhibited in our said Court against them by *Wm A. Brdman*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court House, this *14th* day of *January* 1875 in the *29th* year of the Commonwealth.

*James W Orr* Clerk.



.50  
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 \$ 5.33

(1) *Ln + D*  
*Wm. C. Brown*

33 *Spa. in Chancery*  
*Payton & Swaff et als.*

*February Rules 1875.*

The within Spa is not executed  
 the defendants being minors  
 heirs of this Court etc.  
 But I have executed the attach-  
 ment hereon endorsed by  
 leaving the same on an  
 unexpired lease or term of years  
 in the Iron foundry, a premises  
 situated at or near Cumberland  
 Gap, in the County, the property of  
 the defendants Payton & Swaff  
 and on the real estate of the  
 defendant W. C. Newlee -

Given and Adm his wife  
 Jacob Haughton & Susan his  
 wife descended to them from  
 their father John C. Newlee deceased  
 whose real estate is situated  
 in said County, of her and also  
 near Cumberland Gap.

Given under my hand this  
 14<sup>th</sup> day of Jan'y 1875.

*W. C. Miles, J. C.*  
*for Court. Warbler, S. L.*

The proper judicial having been made the officer serving  
 the within process is intended to attach the estate of the defen-  
 dants in this Court etc. and the same so attached  
 his hands so to secure and provide that the same may be  
 forthcoming and liable to the future order of the Court.

*W. C. Miles*  
*W. C. Miles*



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *John Brown, Mary Brown widow of Michael T. Brown deceased, James Brown, Andrew C. Brown, the unknown heirs of Moses A. Brown, John T. Brooks and Lucy, his wife, Plaintiff M. Chadwell, David Chadwell, John Chadwell and Mary his wife, Barton Brooks and Elizabeth his wife, James Chadwell, Alexander Chadwell, John Brown, & the unknown heirs of Henry M. Brown dead,*

to appear before the Justices of our County Court for Lee county, at the Court House, in the Clerk's Office, at Rules to be holden for the said court, on the *first* Monday in *November*

next, to answer a bill in chancery, exhibited in our said court, against *them* by *Thomas J. Brown*  
*vs. M. Brown, Polly Brown, Matilda Sutton, formerly Matilda Brown, Lucy Ann Short, formerly Lucy Ann Brown, Jacob Casey & Serrilda his wife, John Chadwell who sues by his next friend John Brown, William T. Roulet and Elizabeth his wife, and Joseph Brown*

And have then there this writ. Witness, JOHN B. WEST, Deputy for SYLVESTER E. THOMPSON, Clerk of our said Court, at the Court House, this *29<sup>th</sup>* day of *October* 186*9*, in the *74* year of the Commonwealth.

*John B. West* Clerk.



(S)  
Thomas J. Brown & others

vs. { Spain & Co.

John Brown & others

November Rules 1869

We accept legal service of the  
within Spain & Co.

<sup>his</sup> Mary + Brown

marks

John Brown

Fuchel



# VIRGINIA :

## WASHINGTON COUNTY, TO WIT :

I do hereby certify that the annexed Notice has been published  
*four weeks successively, ending November 26 1869*  
in the "ABINGDON VIRGINIAN," a newspaper published in the  
town of Abingdon, Va. Given under my hand this *30<sup>th</sup>*  
day of *March*, 1870

*Geo. R. Barr,*  
*Jr. Ed. "Virginian"*

**VIRGINIA** :—At Rules held in the Clerk's office of the County Court of Lee county, on Monday, the first day of November, 1869:

Thomas J. Brown, William M. Brown, Polly Brown, Matilda Sutton, formerly, Matilda Brown, Lucy Ann Short, formerly Lucy Ann Brown, Jacob Yeary and Serrila, his wife, John Chadwell, who sues by his next friend John Brown, William T. Rowlett and Elizabeth T. his wife, and Joseph Brown, Compts.

### AGAINST

John Brown, Mary Brown, widow of Michael T. Brown, dec'd, James Brown, Andrew C. Brown, the unknown heirs of Moses Brown, John T. Brooks and Lucy, his wife, Pleasant Chadwell, David Chadwell, John Chadwell and Mary, his wife, Barton Brooks and Elizabeth, his wife, James Chadwell, Alexander Chadwell, John Brown, and the unknown heirs of Henry N. Brown, dec'd, Defts.

### IN CHANCERY.

The object of this suit is to obtain a division of the lands in the bill mentioned according to the rights of the parties respectively; and it appearing from an affidavit filed in this office, that James Brown, Andrew C. Brown, the unknown heirs of Moses Brown, John T. Brooks and Lucy, his wife, Pleasant M. Chadwell, David Chadwell, John Chadwell and Mary, his wife, Barton Brooks and Elizabeth, his wife, James Chadwell, Alexander Chadwell, John Brown, and the unknown heirs of Henry N. Brown, dec'd, are non-residents of this Commonwealth, they are, therefore, ordered to appear here within one month after due publication of this order, and do what is necessary to protect their interest in this suit.

JOHN B. WEST, D. C.

A Copy.—Teste,

JOHN B. WEST, D. C.

Nov. 5, 1869.—4w.



*For End*



VIRGINIA:—At Rules held in the Clerk's office of the County Court of Lee County, on Monday, the first day of November, 1869:

Thomas J. Brown, William M. Brown, Polly Brown, Matilda Sutton, formerly Matilda Brown, Lucy Ann Short, formerly Lucy Ann Brown, Jacob Year and Serill in his wife, John Chadwell, who sues by his next friend John Brown, William T. Rowlett and Elizabeth T. his wife, and Joseph Brown, Compts.

AGAINST

John Brown, Mary Brown, widow of Michael T. Brown, dec'd, James Brown, Andrew C. Brown, the unknown heirs of Moses Brown, John T. Brooks and Lucy, his wife, Pleasant Chadwell, David Chadwell, John Chadwell and Mary, his wife, Barton Brooks and Elizabeth, his wife, James Chadwell, Alexander Chadwell, John Brown, and the unknown heirs of Henry N. Brown, dec'd, Defts.

IN CHANCERY.

The object of this suit is to obtain a division of the lands in the bill mentioned according to the rights of the parties respectively; and it appearing from an affidavit filed in this office, that James Brown, Andrew C. Brown, the unknown heirs of Moses Brown, John T. Brooks and Lucy, his wife, Pleasant M. Chadwell, David Chadwell, John Chadwell and Mary, his wife, Barton Brooks and Elizabeth, his wife, James Chadwell, Alexander Chadwell, John Brown, and the unknown heirs of Henry N. Brown, dec'd, are non-residents of this Commonwealth, they are, therefore, ordered to appear here within one month after due publication of this order, and do what is necessary to protect their interest in this suit.

JOHN B. WEST, D. C.

A Copy.—Teste,

JOHN B. WEST, D. C.

Nov. 5, 1869.—4w.

Virginid Lee County to wit:

This day M. B. D. Lane, personally appeared before me, the undersigned deputy clerk of said County, and made oath, that he saw the Chancery order of publication, herewith attached, made in the suit of Thomas J. Brown & others, vs John Brown & others, inserted in the "Abingdon Virginian", a news paper published in the Town of Abingdon Virginid, in ~~the~~ numbers thereof issued on the 5<sup>th</sup> & 26<sup>th</sup> of November 1869 respectively, and that he has good reason to believe, that the said order was inserted, in the two intervening numbers of said Paper, dated on the 12<sup>th</sup> and 19<sup>th</sup> of November 1869 & given under my hand, this the 19<sup>th</sup> day of February 1870.

H. J. Morgan D. C.  
Circuit Court Lee Co



Thos J. Brown & others  
vs. } Proof of order of  
publication

John Brown & others

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for chd